REMARKS

Reconsideration in view of the foregoing amendments and the following remarks is respectfully requested. Moreover, the Applicant has reviewed the First Office Action of August 2, 2005, and submits that this paper is responsive to all points raised therein.

Election

The applicant confirms the election to prosecute claims 12-21 of Group II, as requested by the Examiner. Claims 12-21 are drawn to an apparatus for transporting compositions. This election was made without traverse in a Telephone call with Examiner Soohoo on July 27, 2005.

Further, Group I, claims 1-11, drawn to a method, are cancelled without prejudice. In making this cancellation without prejudice, the applicant reserves all rights in these claims to file Divisional and/or Continuation patent applications.

Status of the Claims

Claims 12-21 are presently pending. Claims 1-11, were cancelled without prejudice above, and 13 was cancelled, as below. Claims 12 and 14 have been amended.

Claim 12 has been amended as discussed below. Claim 14 has been amended to have proper claim dependencies, and to be consistent with the claims on which it depends.

Rejections Under 35 USC §102(b)

Claims 12-14, and 21 were rejected under 35 U.S.C. § 102(b) as being anticipated by Gonsalves, U.S. Patent No. 4,803,955 (Gonsalves '955).

Initially, claim 13 has been cancelled, whereby rejections thereof are now moot.

Claim 12 recites an apparatus for transferring compositions comprising, a tank, a fluid transferring apparatus, a removable cover, and a system for rinsing the tank including a fluid intake port and a dispenser for fluid, coupled to the cover. The dispenser provides fluid for contacting the walls of the interior of the tank. The fluid transferring apparatus serves to withdraw fluid from the tank. For example, as a result of this structure, one color can be delivered to a ready mix truck, the tank rinsed, and another different color delivered to another ready mix truck, safely and without leftover color in the tank.

Gonsalves '955 patent teaches a feeding system, in which milk in a tank is passed to the animals via gravity. Agitator blades 132 in the tank are for stirring the milk, to prevent the butter fat from separating. A spray discharge head is used to distribute sanitizing liquid to the tank, when feeding is complete.

Based on the above, the system of Gonsalves '955 lacks any fluid distribution structure coupled to the cover, and lacks any fluid transferring structure for withdrawing fluid from the tank. Accordingly, it is respectfully asserted that Gonsalves '955 does not show the structure of claim 12, and therefore, does not anticipate the claimed invention under 35 USC §102(b).

Since claim 12 is not anticipated by Gonsalves '955, claims 14 and 21, dependent thereon, are also not anticipated by Gonsalves '955 under 35 USC §102(b) for the same reasons. These claims further distinguish the invention over Gonsalves '955.

Claims 12-20 were rejected under 35 U.S.C. §102(b) as being anticipated by Griffin III, et al., U.S. Patent 3,325,974 (Griffin '974).

Claim 12, as amended, has been discussed above. That discussion is applicable here.

Claim 13 has been cancelled as discussed above. That discussion is applicable here.

Griffin '974 teaches a mud degasser apparatus for oil wells. The disclosed apparatus includes a tank, an inlet pipe and tubular adaptor, and a pump for withdrawing mud from the tank. Mud is introduced into the tank through the inlet pipe and tubular adaptor, and descends through the center of the tank over a series of baffles that spread the mud out and bring it back to the center of the tank. The inlet pipe does not terminate in a dispenser or nozzle, and the mud simply pours into the center of the tank. This reference does not show any structure for fluid distribution for cleaning or rinsing the tank. Rather, it teaches away from cleaning or rinsing the tank by asserting that the baffles are "self-cleaning." See column 3, line 15-16.

Based on the above, the system of Griffin '974 lacks any fluid distribution structure coupled to the cover, and fails to teach the need for such a structure, as mud is constantly brought into the tank, and there is no need for cleaning the mud. Accordingly, it is respectfully asserted that Griffin '974 does not show the structure of claim 12, and therefore, does not anticipate the claimed invention under 35 USC §102(b).

Since claim 12 is not anticipated by Griffin '974, claims 14 and 15-20, dependent thereon are also not anticipated by Griffin '974 under 35 USC §102(b) for the same reasons. These claims further distinguish the invention over Griffin '974.

Additional Remarks and Conclusions

In closing, the applicant notes the Examiner's citations of Tight (U.S. Patent No. 3,243,128), Winters (U.S. Patent No. 5,263,225), Ricardi (U.S. Patent No. 4,077,612), Hood (U.S. Patnet No. 2,776,284), Brown, et al. (U.S. Patent No. 2,618,576), Anderson (U.S. Patent No. 1,933,543), Combs (U.S. Patent No. 5,666,987), Stackpole (U.S. Patent No. 1,531,354), Moseley (U.S. Patent No. 2,868,516), Dutton, et al. (U.S. Patent No. 4,830,505), Sakuichi, et al.

(U.S. Patent No. 4,685,810), Brown (U.S. Patent No. 3,212,759) and Hyde, et al. (U.S. Patent No. 4,390,284) to complete the record.

Should the Examiner have any questions or comments as to the form, content, or entry of this paper, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Allowance of all pending claims is respectfully requested.

Respectfully submitted,

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Date: January 3, 2005   By: _____

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